

Remarks

Claims 1-16 were pending in the application. Claims 1-16 are amended herewith for clarity. In particular, claims 2-13 and 16 were amended to recite "The switch" instead of "A switch". Claim 14 was amended to recite "the switch" instead of "a switch." The specification and title have been amended. No new matter has been added by the amendments. Reconsideration is respectfully requested.

Examiner Interview

On August 29, 2003, the Examiner and Applicants' attorney had a telephone interview discussing claims 1 and 15. The Examiner suggested considering Figure 1 of the cited Kurtz reference. Also, the Examiner suggested changing the title.

Arrangement of the Specification

In the Office action, it was indicated that the specification should include section headings in order. Accordingly, Applicants have amended the specification to include section headings in order.

Title

In the Examiner Interview of August 29, 2003, the Examiner suggested amending the title so that it is more descriptive. Accordingly, Applicants have amended the title to recite "A Switch With Adjustable Biasing Means."

Rejections Under 35 U.S.C. § 102

Claims 1-13, 15 and 16 were rejected under 35 U.S.C. § 102 (b) as being anticipated by Kurtz. This rejection is respectfully traversed.

Rejection Under 35 U.S.C. § 102

Claims 1-13, 15 and 16

Claims 1-13, 15 and 16 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kurtz. This rejection is respectfully traversed.

In the Office action, the Examiner stated that Figure 2 of the cited Kurtz reference includes an outer housing [174, 184] and means operable to provide a signal upon depression of the housing. Applicants respectfully submit that the outer housing of Kurtz, element 184, is rotatable, but not depressible. Specifically, Kurtz provides, "[r]otation of knob 184 causes rotation of cam 198. The rotation of cam 198 causes shaft 188 to move downwardly against the bias of spring 192...." Kurtz, col. 7, lines 61-63. It is seen that shaft 188 moves downwardly, however the reference appears to fails to disclose whether the knob moves downwardly. Furthermore, regardless of whether the knob moves downwardly, it is apparent from the disclosure that the knob 184 is merely rotated and not depressed.

Applicants' claims include elements not taught or suggested by the cited Kurtz reference. Specifically, independent claims 1 and 15 recite, "a depressible outer housing..." Further, both claims recite, "switch means operable to provide a signal upon depression of said outer housing..." Therefore, Figure 2 of Kurtz fails to teach or suggest elements of Applicants' claimed invention. Accordingly, the anticipation rejection should be withdrawn.

As claims 2-14 depend, either directly or indirectly, from claim 1 and as claim 16 depends from claim 15, the rejection to these claims should be withdrawn for at least the same reasons as their respective independent claims.

Applicants respectfully submit that though Figure 1 was not referred to in the present Office action, during the Examiner Interview the Examiner indicated that it should be reviewed in conjunction with Applicants' claims. In Kurtz, it

is seen that disk 162 of Figure 1 is depressible. However, Applicants' claim 1 also recites, "resilient biasing means located in a space defined by and disposed between the inner component and the outer housing to provide a force which biases the outer housing from the inner component..." Claim 15 recites, "resilient biasing means provided in a space defined by and disposed between the outer housing and the inner component to bias one from the other..."

In contrast, as seen in Figure 1 of Kurtz, the spring 140 is disposed within a bore 82 defined by operating member 38 and an upper end of shaft 40. Further, with regard to Figure 2, "the spring 192 is housed within a gasket sleeve 196." Kurtz, col. 7, line 57. Therefore, Applicants respectfully submit that Kurtz fails to teach or suggest elements of Applicants' claims 1 and 15.

As claims 2-14 and 16 depend from claims 1 and 15, respectively, Applicants submit that the rejection to these claims should be withdrawn for at least the same reasons as their respective independent claims.

Claim 15

Additionally, claim 15 recites, "a depressible outer housing connected for rotational movement with the inner component..." Figure 1 of Kurtz discloses that the disk 162 is depressible and Figure 2 of Kurtz discloses that the outer housing is rotatable. Applicants submit that Figures 1 and 2 of Kurtz show two different actuator assemblies. Kurtz discloses "[t]he operator assembly is designed to be capable of mating and operating with different actuator assemblies without modification of the operator assembly." Kurtz, col. 3, lines 35-38. However, Kurtz fails to teach or suggest that elements of one actuator assembly (Figure 1) should be combined with elements of another actuator assembly (Figure 2). "[I]t is impermissible... simply to engage in hindsight reconstruction of the claimed invention, using the applicants' structure as a template and selecting elements from references

to fill the gaps." In re Gorman, 18 U.S.P.Q. 2d 1885, 1888 (Fed. Cir. 1991). Therefore, it would not have been obvious to one of skill in the art to combine the depressible disk of Kurtz (Figure 1) with the rotatable outer housing of Kurtz (Figure 2). Therefore, for at least these reasons Kurtz fails to teach or suggest elements of Applicants' claim 15.

Rejections Under 35 U.S.C. § 103

Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kurtz. This rejection is respectfully traversed. As claim 14 depends from claim 1, it is non obvious over Kurtz for at least the same reasons as claim 1.

Conclusion

For at least the reasons submitted above, Applicants respectfully submit that claims 1-16 are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested.

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313)

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